REMARKS

Initially, in the Office Action dated June 10, 2004, the Examiner objects to claims 12, 13 and 15-17 because of informalities. Claims 1, 2, 4, 5, 9 and 10 have been rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,292,890 (Crisan) in view of U.S. Patent No. 6,266,809 (Craig et al.). Claim 6 has been rejected under 35 U.S.C. §103(a) as being unpatentable over Crisan and Craig et al. and further in view of U.S. Patent No. 6,367,012 (Atkinson et al.). Claim 7 has been rejected under 35 U.S.C. §103(a) as being unpatentable over Crisan and Craig et al. in view of U.S. Patent No. 6,088,738 (Okada). Claim 8 has been rejected under 35 U.S.C. §103(a) as being unpatentable over Crisan and Craig et al. in view of U.S. Patent No. 5,724,511 (Moritomo). Claims 11-17 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Crisan in view of Craig et al. and further in view of U.S. Patent No. 5,815,652 (Ote et al.).

By the present response, Applicant has canceled claims 2, 4-6, 9, 10, 12, 13 and 15 without disclaimer. Applicant has amended claims 1, 11, 14, 16 and 17 to further clarify the invention. Claims 1, 7, 8, 11, 14, 16 and 17 remain pending in the present application.

Claim Objections

Claims 12, 13 and 15-17 have been objected to because of informalities. Claims 12, 13 and 15 have been canceled therefore rendering these objections moot. Applicants have amended claims 16 and 17 to further clarify the invention and respectfully request that these objections be withdrawn.

35 U.S.C. §103 Rejections

Claims 1, 2, 4, 5, 9 and 10 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Crisan in view of Craig et al. Applicants have canceled claims 2, 4, 5, 9 and 10, therefore, rendering these rejections moot. Applicants have discussed the deficiencies of these references in Applicants' previously-filed response and reassert all arguments submitted in that response. Applicants provide the following additional remarks.

Regarding claim 1, Applicants submit that none of the cited references, taken alone or in any proper combination, disclose, suggest or render obvious the limitations in the combination of this claim of, inter alia, a firmware updating method for use in an information processing apparatus that includes sending a notice of execution completion of updating firmware to a remote management server, receiving a first request from the remote management server, controlling "off" a second power supply in a power controller in response to a first request from the remote management server, receiving a second request from the remote management server after a predetermined period since receiving the first request, or controlling "on" the second power supply in the power controller in response to the second request from the remote management server. The Examiner admits that Crisan does not disclose or suggest updating firmware, setting a storage as a boot device, or controlling "off" and "on" of a power supply in response to requests from a server, but asserts that Craig et al. discloses these limitations. However, Craig et al. merely discloses that during initialization, the network computer typically carries out a process similar to that of a personal computer, i.e., the network computer begins

by performing a power on self test (POST) followed by execution of program code which loads the operating system from the network server (see col. 2, lines 37-41). Craig et al. further discloses that the network server installs the update boot image on the boot server for access by the network computer, and then the network server issues a cold reboot command to the network computer and waits until the update boot image is downloaded by the network computer. Upon receiving the reboot command from the network server, the network computer reboots which causes the network computer to download the update boot image (see col. 7, lines 20-29). This is not <u>a first power supply which is separate from a second power supply of an information processing apparatus</u> where <u>a first request is received from a remote management server, controlling "off" the second power supply</u> in the power controller in response to the first request from the remote management server, receiving a second request from the remote management server <u>after a predetermined period since receiving the first request</u>, and <u>controlling "on" the second power supply in the power controller in response to the second request</u> from the remote management server, as recited in the claims of the present application. Craig et al. does not disclose or suggest a first power supply and a second power supply. Further, Craig et al. does not disclose or suggest controlling "off" a second power supply in response to receipt of a first request, and controlling "on" the second power supply in response to a second request from a remote management server. Craig et al. merely discloses a network server issuing a cold reboot command to the network computer to initiate the downloading of an update boot image by the network computer.

Accordingly, Applicants submit that none of the cited references, taken alone or in any proper combination, disclose, suggest or render obvious the limitations in the combination of claim 1 of the present application. Applicants respectfully request that this rejection be withdrawn and that this claim be allowed.

Claim 6 has been rejected under 35 U.S.C. §103(a) as being unpatentable over Crisan and Craig et al. in view of Atkinson et al. Applicants have canceled this claim therefore rendering this rejection moot.

Claim 7 has been rejected under 35 U.S.C. §103(a) as being unpatentable over Crisan and Craig et al. in view of Okada. Applicants have discussed the deficiencies of Okada in Applicants' previously-filed response. Applicants respectfully traverse this rejection and submit that claim 7 is dependent on independent claim 1 and, therefore, is patentable at least for the same reasons noted regarding this independent claim. Applicants submit that Okada does not overcome the substantial defects noted previously regarding Crisan and Craig et al. For example, Applicants submit that none of the cited references disclose or suggest acquiring information, which is used to obtain a maintenance program by the information processing apparatus, by the remote management subsystem, or sending a request to obtain a pseudo maintenance program by the identification information, or checking the presence or not of a reply to the request to obtain the pseudo maintenance program.

Accordingly, Applicants submit that none of the cited references, taken alone or in any proper combination, disclose, suggest or render obvious the limitations in

the combination of claim 7 of the present application. Applicants respectfully request that this rejection be withdrawn and that this claim be allowed.

Claim 8 has been rejected under 35 U.S.C. §103(a) as being unpatentable over Crisan and Craig et al. and further in view of Moritomo. Applicants respectfully traverse this rejection.

Moritomo discloses a terminal for a maintenance is connected via a local area network (LAN) to a wideband switching equipment. An address such as an IP address is allocated to each of a plurality of wideband switching equipments, and a virtual channel connection for transferring maintenance data to the plurality of wideband switching equipments. Each control unit of the plurality of wideband switching equipments is provided with a table for registering an address of a connected party to make the address corresponding to an interface unit accommodating a wideband line. The control unit performs control to select whether to transfer the maintenance data to other wideband switching equipment or to the maintenance terminal connected via the LAN with reference to this table.

Applicants submit that claim 8 is dependent on independent claim 1 and, therefore, is patentable at least for the same reasons noted regarding this independent claim. Applicants submit that Moritomo does not overcome the substantial defects noted previously regarding Crisan and Craig et al. For example, Applicants submit that none of the cited references disclose or suggest previously registering identification information of an information processing apparatus subjected to maintenance into the remote management subsystem, receiving input of identification information for specifying the information processing apparatus prior

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to the instruction to set the boot device, or judging whether the received identification information is included in the registered identification information.

Accordingly, Applicants submit that none of the cited references, taken alone or in any proper combination, disclose, suggest or render obvious the limitations in the combination of claim 8 of the present application. Applicants respectfully request that this rejection be withdrawn and that this claim be allowed.

Claims 11-17 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Crisan in view of Craig et al. and further in view of Ote et al. Applicants have canceled claims 12, 13 and 15. Applicants respectfully traverse these rejections as to the remaining pending claims.

Ote et al. discloses a computer management system that includes an agent connected to a computer to be managed for executing instructions on the computer to be managed, a service processor board having a processor independent from the computer to be managed for monitoring fault in the computer to be managed and controlling power of the computer to be managed, a manager for executing instructions on a management computer and conducting controls such as fault monitoring and power control through the agent over a network including a public line, and a service processor manager directly connected to the service processor for conducting remote power-on and receiving and diagnosing critical fault.

Regarding claims 11 and 14, Applicants submit that none of the cited references, taken alone or in any proper combination, disclose, suggest or render obvious the limitations in the combination of each of these claims of, inter alia, where a power controller turns "off" a second power supply of an information processing

apparatus according to a first request from a server, and turning "on" the second power supply of the information processing apparatus according to a second request from the server after a lapse of predetermined time since the second power supply of the information processing apparatus has been turned off. The Examiner admits that Crisan does not disclose these limitations in the claims of the present application. Further, as has been noted previously, Craig et al. does not disclose these limitations in the claims of the present application. Further, Applicants submit that the Examiner uses impermissible hindsight in reading the limitations in the claims of the present application back into the cited references. The Examiner makes assertions that the references disclose limitations that are clearly not disclosed in the reference. For example, the Examiner asserts that Craig et al. discloses the network computer downloads boot image which contains executable code to obtain updated firmware. Craig et al. does not disclose or suggest that the download of the boot image contains executable code, or that it contains executable code to obtain updated firmware.

Moreover, the Examiner asserts that Ote et al. discloses the use of multiple power supplies and a power controller controlled by a first power supply separate from a second power supply. However, Ote et al. merely discloses that a user issues a power-on or power-off request that is ultimately received by a power controller that controls a power unit to immediately turn off or turn on the power, and that a preset time can be used to initiate the power on or power off of the power supply. This is not a first power supply and a second power supply, as recited in the claims of the present application. Further, this is not turning "off" the second power

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supply according to a first request from a server and turning "on" the second power supply according to a second request from the server after a lapse of a predetermined time since the second power supply of the information processing apparatus has been turned off. Ote et al. merely discloses either turning on or turning off the power supply upon receipt of a request or based on expiration of a timer. Therefore, the power on and power off and associated timers are mutually exclusive in Ote et al. and not related to each other based on a lapse of time between them.

Regarding claims 16 and 17, Applicants submit that these claims are dependent on independent claim 14 and, therefore, are patentable at least for the same reasons noted regarding this independent claim. For example, Applicants submit that none of the cited references disclose or suggest identification information being acquired, which is used to obtain a maintenance program by the information processing apparatus, by the remote management subsystem, or input of identification information being received for specifying the information processing apparatus prior to the instruction to set the boot device, or whether the received identification information is included in the registered identification information being judged.

Accordingly, Applicants submit that none of the cited references, taken alone or in any proper combination, disclose, suggest or render obvious the limitations in the combination of each of claims 11, 14, 16 and 17 of the present application. Applicants respectfully request that these rejections be withdrawn and that these claims be allowed.

In view of the foregoing amendments and remarks, Applicants submit that claims 1, 7, 8, 11, 14, 16 and 17 are now in condition for allowance. Accordingly, early allowance of such claims is respectfully requested.

To the extent necessary, Applicants petition for an extension of time under 37 CFR 1.136. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, or credit any overpayment of fees, to the deposit account of Antonelli, Terry, Stout & Kraus, LLP, Deposit Account No. 01-2135 (referencing attorney docket no. 500.38991X00).

Respectfully submitted,

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